

SIXTY-FIRST DAY

(Monday, April 30, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

| | |
|-------------------|-------------|
| Aikin | Lane |
| Bell | Lock |
| Bracewell | Martin |
| Bullock | McDonald |
| Carney | Moffett |
| Carter | Moore |
| Colson | Nokes |
| Corbin | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hazlewood | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | Weinert |

Absent

| | |
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| Ashley | Phillips |
| Parkhouse | |

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 26, 1951, was dispensed with and the Journal approved.

Senate Bills on First Reading

The following local bills were introduced, read first time, and referred to the committees indicated:

By Senator Bell:

S. B. No. 439, A bill to be entitled "An Act creating a conservation district under Article XVI, Section 59, of the Constitution comprising the territory contained within the unincorporated towns of Gregory and Ingleside in San Patricio County, Texas, and prescribing its powers and duties; providing for the annexation of additional territory thereto; providing for a Board of Directors for the government of said District; authorizing the District to do all things necessary to make available for beneficial uses, the water from rivers and streams and water from underground sources; authorizing the issuance of bonds and providing for the payment and security thereof; making applicable to the District Title 52 relating to emi-

nent domain and certain General Laws relating to water control and improvement districts; prescribing the other powers of the District; enacting a saving clause and other provisions relating to this subject; and declaring an emergency."

To committee on Water Rights, Irrigation and Drainage.

By Senator Tynan:

S. B. No. 442, A bill to be entitled "An Act authorizing boards of trustees of rural high school districts in counties or subject to the jurisdiction of counties having a population of three hundred and fifty thousand (350,000), or more, inhabitants, according to the last preceeding Federal census, to have and appoint an assessor-collector of taxes for their district and such deputy tax assessor-collectors as it deems necessary; providing for the compensation of same; authorizing the assessment and collection of taxes of such district by such assessor-collectors and the equalization of such taxes; providing for the bonding of the tax assessor-collector; providing for the application of laws governing the assessment and collection of taxes in independent school districts in so far as the same be not inconsistent with the provisions of this Act; providing this Act shall not be exclusive but cumulative of existing laws on the same subject; and declaring an emergency."

To Committee on Educational Affairs.

By Senator Tynan:

S. B. No. 443, A bill to be entitled "An Act to amend Senate Bill No. 354, Chapter 517, page 842, General and Special Laws, Regular Session, 1941, 47th Legislature, also known and designated as Article 2815g-1a of the Revised Civil Statutes of 1925, pertaining to salaries of the County Board of School Trustees in certain counties; providing that Articles 2815a, 2815b, 2815c, 2815d, 2815e, 2815f, 2815g and 2815g-1 shall not apply to counties of more than two hundred fifty thousand (250,000) population according to the last preceding Federal Census; providing that in such counties that members of the County Board of School Trustees of such counties shall receive Five Dollars (\$5.00) per day for their services in attending meetings, inspecting schools and performing the duties imposed by law; providing that such amount

shall be paid out of the General Fund of the county; and declaring an emergency."

To Committee on Educational Affairs.

Senate Bill 440 on First Reading

Senator Lock moved that Senate Rule 114, and Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—28

| | |
|-------------------|-------------|
| Aikin | Lane |
| Bell | Lock |
| Bracewell | Martin |
| Bullock | McDonald |
| Carney | Moffett |
| Carter | Moore |
| Colson | Nokes |
| Corbin | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hazlewood | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | Weinert |

Absent

| | |
|-----------|----------|
| Ashley | Phillips |
| Parkhouse | |

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lock:

S. B. No. 440, A bill to be entitled "An Act relating to the development of a civil defense and disaster relief plan for this State and its political subdivisions; granting necessary powers to State and local governments of this State to cope with emergencies threatening life and property within the State; authorizing cooperative and mutual aid agreements for relief work between this and other States; and for related purposes; and providing a means for financing of such program by counties, towns and cities; providing a saving clause; and declaring an emergency."

To Committee on State Affairs.

Senate Bill 441 on First Reading

Senator Lock moved that Senate Rule 114, and Section 5 of Article III

of the State Constitution be suspended to permit his introducing at this time, a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—31

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hazlewood | Tynan |
| Hudson | Vick |
| Kelley of Hidalgo | Wagonseller |
| Kelly of Tarrant | Weinert |
| Lane | |

The following bill was then introduced, read first time and referred to the committee indicated:

By Senator Lock:

S. B. No. 441, A bill to be entitled "An Act providing that the State of Texas may enter into a compact with any other State of the United States or of the United Mexican States—with the consent and approval of the government of the United States—for mutual helpfulness in meeting any civil defense emergency or disaster; containing a saving clause; and declaring an emergency."

To Committee on State Affairs.

Senate Resolution 188

Senator Moore offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of the Giddings High School, accompanied by their Class Sponsor, Miss Bess Black, and Room Mothers, Mrs. Emmrich and Mrs. Schkade; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

MOORE
STRAUSS

The resolution was read and was adopted.

Senate Resolution 189

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery Girl Scouts of Bay City and their escorts, Mrs. Robt. Peden and Mrs. Frank Baker; and,

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Senate Resolution 190

Senator McDonald offered the following resolution:

Whereas, Mr. and Mrs. J. E. Green and son, James Green, of Wood County, are today visiting in the Capital City on important business; and

Whereas, Mr. Green is Mayor of Hawkins, Texas, and is an outstanding leader in his community; and

Whereas, The members of the Senate of Texas would like to have them as visitors during the session today; now, therefore, be it

Resolved, That Mayor and Mrs. J. E. Green and son, James Green, be recognized, and given the privileges of the Senate floor for today.

The resolution was read and was adopted.

Senate Resolution 191

Senator Strauss offered the following resolution:

Whereas, We are honored today to have present with us the Hon. James F. Houlihan Jr. and the Hon. James Harrington, both being prominent citizens of Schulenburg, Fayette County, Texas; and

Whereas, These two gentlemen are generally recognized as being the only two full-blooded true Irishmen residing in Schulenburg; now, therefore, be it

Resolved, That these two gentlemen be officially welcomed by the Senate and that they be extended the courtesies of the floor for the day.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 9, A bill to be entitled "An Act amending Article 7335a of the Revised Civil Statutes of Texas, 1925, by adding a new Article to be known as Article 7335b, allowing Cities and Towns of this State to enter into contracts with an Attorney of this State for the collection of Delinquent Taxes, and to receive the same compensation as now allowed Attorneys under contract for such purposes with the State and County; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

S. B. No. 12, A bill to be entitled "An Act to reappropriate to the Texas Prison System any unexpended balance remaining on March 6, 1951, in Items I, II, III, IV and V of Senate Bill No. 3, Acts Fifty-first Legislature, Regular Session 1949, Chapter 22, to be expended for the purposes respectively named therein and in accordance with and subject to all the provisions of Senate Bill No. 3; and declaring an emergency."

S. B. No. 128, A bill to be entitled "An Act to amend Section 6 of Chapter 33, Acts of the Regular Session of the Forty-seventh Legislature as amended by the Acts of 1945, Forty-ninth Legislature, page 62, Chapter 43, Paragraph 1, and Acts of 1947, Fiftieth Legislature, page 211, Chapter 120, Section 1, by providing that Policemen and Firemen and Fire Alarm Operators may, while serving their probationary period, have the benefits of the Act; providing for a system of benefits for Policemen and Firemen and Fire Alarm Operators if they suffer injury or receive injuries resulting in death while in active performance of their duties, that they, or their beneficiaries may participate in said Fund; and declaring an emergency."

(With amendments.)

H. B. No. 725, A bill to be entitled "An Act creating a Conservation and Reclamation District under the pro-

visions of Section 59, Article 16 of the Constitution, to be known as 'Valley Acres Water District'; defining its powers; enacting other provisions relating to the subject, and declaring an emergency."

H. B. No. 502, A bill to be entitled "An Act amending Article 319 of the Revised Civil Statutes of Texas, 1925, so as to limit its application with reference to clerks of the County Courts; and declaring an emergency."

(With engrossed rider.)

In accordance with the provisions contained in H. S. R. No. 202 I am hereby requesting that a duplicate of Senate Bill No. 300 be sent to the House for proper consideration.

The House has granted the request of the Senate for the appointment of a conference committee on Senate Bill No. 221. The following have been appointed on the part of the House: Heflin, Rogers of Childress, McDaniel, Swindell, Presnal.

H. J. R. No. 37, Proposing an amendment to Article VII of the Constitution of the State of Texas by adding a new section after Section 11 thereof to be designated as Section 11a, providing for the investment of the Permanent University Fund in additional bonds, debentures, and corporate securities to those now enumerated in Section 11 of Article VII of the Constitution of the State of Texas.

H. B. No. 216, A bill to be entitled "An Act to pay compensation to all judicial district judges in this State; providing that each county will contribute its proportionate share in payment of said judicial district judge; providing a savings clause; and declaring an emergency."

H. B. No. 280, A bill to be entitled "An Act defining an 'air rifle' or 'air pistol' and prohibiting the shooting of an air rifle or air pistol within the corporate limits of any incorporated city of this State or on, along or across any public road or street in this State; providing a penalty for violation of this Act; and declaring an emergency."

H. B. No. 380, A bill to be entitled "An Act to repeal Article 3193, Article 3193a, Article 3193b, Article 3193f of Title 51, Chapter 2 of the Revised Civil Statutes of Texas of 1925; and declaring an emergency."

H. B. No. 381, A bill to be entitled "An Act to amend Article 3177, Title 51, Chapter 1 of the Revised Civil Statutes of 1925; providing for a repealing clause; and declaring an emergency."

H. B. No. 403, A bill to be entitled "An Act amending House Bill 190, Chapter 17, Acts of the Forty-sixth Legislature, Regular Session, 1939, codified as Article 567b of Vernon's Penal Code of the State of Texas, so as to properly define the offense of making, drawing, uttering or delivering with intent to defraud any check, draft or order for the payment of money, upon any bank or other depository, knowing at the time thereof, that the maker, or drawer, has not sufficient funds in, or credit with such bank or depository, for the payment of such check, draft or order, in full, upon its presentation; providing for prima facie evidence of intent to defraud in certain instances; defining the word 'credit'; prescribing penalties; providing for service of process and compensation of officers and witnesses in prosecutions; making it an offense for any person who has instigated criminal prosecution under this act to request or suggest the dismissal of same and providing a penalty therefor; containing a savings clause; and declaring an emergency."

H. B. No. 422, A bill to be entitled "An Act to amend Article 692, Title 20, Chapter 7, Revised Civil Statutes of Texas, 1925; providing that the Board for Texas State Hospitals and Special Schools is authorized to require the superintendent of each institution under its control and management to enter into a bond conditioned for the faithful performance of his duties; and declaring an emergency."

H. B. No. 449, A bill to be entitled "An Act providing for and regulating the admission as evidence of records kept in the regular course of business; and declaring an emergency."

H. B. No. 474, A bill to be entitled "An Act providing for the appointment of assistant county attorneys and investigators in certain counties; prescribing their qualifications; providing for repair and maintenance expense of automobiles owned and used by investigators; providing a

severability clause; providing a repealing clause; and declaring an emergency."

H. B. No. 486, A bill to be entitled "An Act amending Article 1934a-13 of the Revised Civil Statutes of Texas of 1925, an Act passed by the Fifty-first Legislature, Regular Session, 1949, relating to the appointment and salary of stenographers or secretaries for County Judges in certain counties in Texas, and declaring an emergency."

H. B. No. 491, A bill to be entitled "An Act amending Section 26 of S. B. No. 169, Acts, Thirty-ninth Legislature, 1925, Chapter 25, so as to provide for qualifications of voters in Water Control and Improvement Districts; and declaring an emergency."

H. B. No. 541, A bill to be entitled "An Act creating the Lower Rio Grande Authority to and for the purposes set forth in Section 59 of Article XVI of the Constitution of Texas and constituting such Authority a governmental agency and a body politic and corporate; defining the boundaries of the Authority; providing for a liberal construction of this Act; containing a constitutionality and severability clause; and declaring an emergency."

H. B. No. 629, A bill to be entitled "An Act to authorize the Texas Highway Department to enter into written agreements with owners of lands adjoining or abutting lands obtained by the State for the construction or improvement of highways, which would authorize such abutting or adjoining owners to use and cultivate portions of the right of way as may not be required by the Department for immediate use; specifying the contents of such agreement and prescribing the manner of execution; providing that such agreement shall not impair or relinquish the State's right to use such land for right of way purposes when required, nor be constructed as abandonment; and declaring an emergency."

H. B. No. 670, A bill to be entitled "An Act relating to Public Warehouses; dealing with the storage of grains and field seeds; defining certain terms as used in the act; vesting certain powers and duties in the State Commissioner of Agriculture; providing for appointment and fixing

of compensation for personnel to carry out provisions of Act; requiring licenses, bonds and insurance of persons operating places where grains and field seeds are received for storage and authorizing suspension and revocation of such licenses and appeals; providing for reports by warehousemen and inspections and inspection fees; dealing with scale tickets and warehouse receipts; making certain offenses felonies and fixing punishment therefor and making certain other offenses misdemeanors; authorizing rules and regulations; exempting certain persons from provisions of Act; repealing other conflicting laws; and declaring an emergency."

H. B. No. 698, A bill to be entitled "An Act amending Section 2 and Section 3 of House Bill No. 837, Chapter 621, Acts of the Fifty-first Legislature, Regular Session, 1949, so as to provide for the preservation and disposition of oaths, affidavits or affirmations filed; and declaring an emergency."

H. B. No. 699, A bill to be entitled "An Act to prohibit any person from holding at the same time the positions or offices of superintendent of an independent school district and trustee or regent on any public junior college district board in this State; provided that this act shall not operate to deprive any person now holding such positions or offices or such offices or positions prior to the expiration of the term for which he has been elected or appointed; and declaring an emergency."

H. B. No. 703, A bill to be entitled "An Act amending Subsection 1 of Section 5 of Senate Bill 47, Chapter 470, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, codified as Subsection 1 of Section 5 of Article 2922-1 of Vernon's Texas Civil Statutes, so as to provide for employment of retired members under the Teacher Retirement System of Texas; providing for the suspension of benefits during said employment; providing for resumption of benefits upon discontinuing employment on same basis of original retirement; providing that during time of employment of retired member no deductions shall be made from his salary; providing for membership annuity payments and prior service annuity payments of said retired member during employment to

be transferred to the State Membership Accumulation Fund of Teacher Retirement System of Texas; and declaring an emergency."

H. B. No. 714, A bill to be entitled "An Act providing that it shall be unlawful for any person to place, set, use or drag any seine, net or other device for catching fish other than the ordinary pole and line, casting rod and reel, artificial bait and other bait, trotline, set line, or cast net, for catching fish in Waller and Austin Counties; further providing that no bait may be removed from streams of Austin, Colorado, and Waller counties for commercial sales; providing a penalty for violation of above restrictions; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 728, A bill to be entitled "An Act authorizing the Commissioner of the General Land Office to reinstate sales of lands in Culberson County heretofore sold and forfeited prior to September 1, 1945, and on which application for reinstatement and payment of delinquent interest has been made to the General Land Office prior to March 5, 1951, and on which there are no intervening rights of third persons, and declaring an emergency."

H. B. No. 737, A bill to be entitled "An Act creating the office of County Purchasing Agent in all counties in this State having a population of not less than fifty thousand (50,000) inhabitants and not more than one hundred thousand (100,000) inhabitants according to the last preceding Federal census and having a tax valuation of not less than Sixty-five Million Dollars (\$65,000,000) and not more than Eighty Million Dollars (\$80,000,000), providing for the appointment of such agent, prescribing his duties and fixing his compensation; requiring execution of a bond; making it unlawful for any person, firm, or corporation to purchase any supplies, materials and equipment for or to contract for any repairs to property used by such county or any subdivision, officer, or employee thereof, except such purchasing agent; making it unlawful for the County Auditor to draw or for the County Treasurer to honor any county warrants drawn for such supplies, materials, repairs and equipment unless the same shall have been purchased or contracted for by such agent; pro-

viding that such agent shall annually file an inventory of all property of such county with the Commissioners' Court of such county; prescribing the duties of the County Auditor with reference to such inventory; providing for the transfer by such agent of county supplies, materials, and equipment from a subdivision, department, officer, or employee of such county to other subdivisions, departments, officers and employees of said county; prescribing a penalty for the violation of this act; and declaring an emergency."

H. B. No. 738, A bill to be entitled "An Act amending Section 1 of House Bill No. 1035, Chapter 304, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended, regulating the hunting and killing of quail in Wood County so as to provide an open season for killing quail; and declaring an emergency."

H. B. No. 742, A bill to be entitled "An Act validating the acquisition of certain real estate by the commissioners of any drainage district in this State or by the commissioners' court for the benefit of said district; validating the subsequent sale or other disposition of any of such real estate; authorizing the sale of such real estate under certain conditions; repealing all laws or parts of laws in conflict with this act; providing a savings clause; and declaring an emergency."

H. B. No. 745, A bill to be entitled "An Act to repeal Section 4 of House Bill No. 110, Chapter 281, General and Special Laws of the 49th Legislature, Regular Session, 1945, relating to the appointment of receivers for certain mineral interests in land owned by non-resident and unknown owners, and creating an emergency."

H. B. No. 750, A bill to be entitled "An Act authorizing the Board for Texas State Hospitals and Special Schools or its successor in function to sell and convey two tracts of land portions of Rusk State Hospital in Cherokee County; providing for the terms and manner of sale; and declaring an emergency."

H. B. No. 756, A bill to be entitled "An Act regulating the taking and killing of squirrels in Fayette County, providing an open season for the taking or killing of squirrels; limiting the number of squirrels that may

be taken in any one day and limiting the number of squirrels that any person may have in possession at any time; fixing penalties for the violation of this act; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 760, A bill to be entitled "An Act prohibiting any town or city from annexing or interfering with the affairs of any water or sewer district formed under Title 128, R. C. S., 1925, as amended, during the time it is carrying out the purposes for which it was created."

H. B. No. 768, A bill to be entitled "An Act repealing House Bill 85, Chapter 25, Acts of the Forty-eighth Legislature, Regular Session, 1943, relating to taking and possessing bullfrogs in Fayette County; and declaring an emergency."

H. B. No. 769, A bill to be entitled "An Act repealing House Bill 190, Chapter 33, Acts of the Forty-eighth Legislature, Regular Session, 1943, relating to catching and taking certain fish from the waters of Fayette County; and declaring an emergency."

H. B. No. 773, A bill to be entitled "An Act applicable to the County of Fayette, State of Texas, prohibiting the transportation of minnows taken in said County beyond the borders of said County for the purpose of sale; limiting the number of minnows to be transported beyond the borders of said County; providing penalties for any violation of this Act; and declaring an emergency."

H. C. R. No. 80, Suspending the Joint Rules of the House and Senate so that Senate Bill No. 90 may be considered at any time.

H. C. R. No. 79, Suspending the joint rules of the House and Senate in order for the Appropriations Committee of the House, and the House, to consider House bill No. 755.

H. C. R. No. 52, Granting to the City of Austin an easement.

H. C. R. No. 78, Authorizing certain corrections in House Bill No. 207 which has passed the House and Senate.

S. C. R. No. 35, Authorizing the transfer of certain property being located on the campus of Texas

Technological College to the State Highway Commission, etc.

H. B. No. 433, A bill to be entitled "An Act providing that teachers having creditable service in other States shall be given credit for 50% of such service under the Teachers' Retirement System, etc.; and declaring an emergency."

H. B. No. 568, A bill to be entitled "An Act requiring the filing of electrical log of wells with the Railroad Commission, etc.; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 65 on Second Reading

On motion of Senator Bell and by unanimous consent, the President laid before the Senate for consideration at this time the following resolution:

H. C. R. No. 65, Suspending the Joint Rules of the House and Senate in order to permit the House Appropriations Committee to consider and report favorably House Bill No. 190.

The resolution was read second time and was adopted.

Senate Concurrent Resolution 52

Senator Lane offered the following resolution:

S. C. R. No. 52, Providing for a caption on House Bill No. 11.

Whereas, the caption of H. B. No. 11 contained in the Conference Committee Report dated April 19, 1951, does not cover the Amendments to H. B. No. 11 adopted by the Senate; now, therefore, be it

Resolved, by the Senate, the House of Representatives concurring, that the Enrolling Clerk of the House of Representatives is hereby directed to correct the caption of said H. B. No. 11 to include said Amendments placed on said bill by the Senate and to make such correction, the Enrolling Clerk shall use the following caption in lieu of the caption prepared by the Conference Committee:

H. B. No. 11, A bill to be entitled "An Act to amend Section 6, Chapter 42, General Laws, Acts Second Called Session, Forty-first Legislature, as amended by Section 4, Chapter 71, General Laws, Acts Regular Session, Forty-seventh Legislature; regulat-

ing the unloading of motor vehicles, the maximum gross weight or axle load of which is in excess of the authorized maximum gross weight or axle load; providing a tolerance allowance of such maximum gross weight and axle load; prohibiting further operation of over-loaded vehicles until the load is reduced to authorized maximum; providing for shifting axle loads; providing certain exceptions and exemptions to the unloading provisions of this Act; making it unlawful for officers to receive compensation or anyone to pay compensation to officers to enforce the unloading provisions of this Act, save and except that such officers may receive their regular compensation from the State and a County thereof; and providing penalties for violation thereof; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only; declaring provisions of this Act to be severable; and declaring an emergency."

The resolution was read.

Senator Lane asked unanimous consent to consider the resolution immediately.

There was objection.

Senator Lane then moved that the resolution be considered immediately.

The motion was lost by the following vote (not receiving two-thirds vote of the members present):

Yeas—20

| | |
|-------------------|---------|
| Aikin | Lane |
| Ashley | Lock |
| Bell | Moffett |
| Carney | Nokes |
| Colson | Russell |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hazlewood | Vick |
| Kelley of Hidalgo | Weinert |

Nays—11

| | |
|------------------|-------------|
| Bracewell | McDonald |
| Bullock | Moore |
| Carter | Parkhouse |
| Hudson | Phillips |
| Kelly of Tarrant | Wagonseller |
| Martin | |

House Bill on First Reading

The following bill received from the House was read first time and

was referred to the committee indicated:

H. B. No. 725—To Committee on Counties and County Boundaries.

Senate Resolution 192

Senator Strauss offered the following resolution:

Whereas, At the opening meeting of the 48th Annual Convention of the Texas Medical Association on Sunday, April 29, 1951, held at Galveston, Texas, Dr. Leo J. Peters of Schulenburg, Fayette County, Texas, was honored by being named "Texas Family Doctor of the Year"; and

Whereas, Dr. Peters has been engaged in the general practice of medicine in Schulenburg for the past 42 years, beginning as a medical circuit rider and through the years has kept pace with all progress made in the medical profession; and

Whereas, During all of this time Dr. Peters has been an outstanding civic leader and has gained a wide reputation as an outstanding physician and surgeon; now, therefore, be it

Resolved, By the Senate of Texas, that we extend our sincere congratulations to Dr. Leo J. Peters upon the honor which has come to him and which is so richly deserved, and be it further

Resolved, That this resolution be printed in the Journal and that a copy be sent to Dr. Leo J. Peters.

The resolution was read and was adopted.

Motion To Place House Concurrent Resolution 77 on Second Reading

Senator Lane asked unanimous consent to suspend the regular order of business and that H. C. R. No. 77 be laid out for consideration at this time.

There was objection.

Senator Lane then moved to suspend the regular order of business and that H. C. R. No. 77 be laid out for consideration at this time.

The motion was lost by the following vote (not receiving two-thirds vote of the members present):

Yeas—17

| | |
|-------|---------|
| Aikin | Bullock |
| Bell | Carney |

| | |
|-------------------|-------------|
| Fuller | Moore |
| Hardeman | Nokes |
| Hazlewood | Russell |
| Kelley of Hidalgo | Shofner |
| Kelly of Tarrant | Tynan |
| Lane | Wagonseller |
| McDonald | |

Nays—11

| | |
|-----------|-----------|
| Ashley | Moffett |
| Bracewell | Parkhouse |
| Carter | Phillips |
| Hudson | Vick |
| Lock | Weinert |
| Martin | |

Absent

| | |
|--------|---------|
| Colson | Strauss |
| Corbin | |

Reports of Standing Committees

By unanimous consent, the following committee reports were submitted at this time.

Senator Carter submitted the following reports:

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 725, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CARTER, Chairman

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 490, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

CARTER, Chairman

Senator Bell submitted the following report:

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 392, have had the same under consideration, and we are instructed to report it back to the Sen-

ate with the recommendation that it do not pass but that the committee substitute attached hereto be passed and be printed.

BELL, Chairman

C. S. H. B. No. 392 was read first time.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred S. B. No. 439, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman

Conference Committee Report on House Bill 75

Senator Moffett submitted the following Conference Committee report on H. B. No. 75:

Austin, Texas,
April 25, 1951.

Hon. Ben Ramsey, President of the Senate;

Hon. Reuben Senterfitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on H. B. No. 75, have met and had same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

MOFFETT
CARNEY
LANE
HARDEMAN
HAZLEWOOD

On the part of the Senate.

TUFARES
WILLIAMSON
GROMATZKY
McILHANEY

On the part of the House.

H. B. No. 75

By: Tufares

A BILL

TO BE ENTITLED

"An Act making it illegal for any person, firm, corporation or group of persons to rent or let for hire any boat upon any of the lakes of this

State without having such boat equipped with one life preserver for each person aboard; defining the term 'life preserver'; providing for enforcement; providing effective date; providing a saving clause; providing a penalty for violation hereof; exempting certain waters; repealing all laws in conflict; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. It shall be unlawful for any person, firm, corporation or group of persons to rent or let for hire any boat upon any of the lakes or rivers of this State without having such boat equipped with at least one (1) life preserver for each person aboard. Provided, however, the provisions of this Act shall not apply to that portion of a river within ten (10) miles of any bay, inlet, or gulf waters into which said river flows.

Sec. 2. For the purpose of this Act, the term "life preserver" shall mean any apparatus, device or object designed for and capable of floating, supporting or buoying up the body of an adult in the water.

Sec. 3. Game Wardens and all Peace Officers, with the exception of Constables, shall enforce the provisions of this Act.

Sec. 4. Any person, firm, corporation or group of persons violating the provisions of this Act shall be deemed guilty of a misdemeanor, and upon the first conviction shall be punished by a fine of not less than Five Dollars (\$5) nor more than Twenty-five Dollars (\$25). Any person who is subsequently convicted under the provisions of this Act, shall for the second offense, be punished by a fine of not less than Twenty-five Dollars (\$25) nor more than One Hundred Dollars (\$100); and for all subsequent convictions thereafter such persons shall be punished by a fine of not less than One Hundred Dollars (\$100) nor more than Two Hundred Dollars (\$200).

Sec. 5. This Act shall be effective from and after June 15, 1951.

Sec. 6. Provisions of this Act shall not apply to the Gulf of Mexico.

Sec. 7. Nothing herein shall apply to the part of Caddo Lake situated in Marion County.

Sec. 8. If any portion of this Act shall be held unconstitutional by any court of competent jurisdiction, the remaining provisions hereof shall,

nevertheless, be valid, the same as if the portion held unconstitutional had not been adopted by the Legislature as a part of this Act.

Sec. 9. All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Sec. 10. The fact that many lives are lost by drowning in this State which could be saved if all rental boats used upon lakes or rivers were equipped with a life preserver for each person aboard, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House be suspended, and said Rule is suspended, and this Act shall take effect from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—28

| | |
|-------------------|-------------|
| Aikin | Martin |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Bullock | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Fuller | Russell |
| Hardeman | Shofner |
| Hazlewood | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Lane | Wagonseller |
| Lock | Weinert |

Nays—2

Carney Kelly of Tarrant

Absent

Corbin

Messages From the Governor

The President laid before the Senate and directed the Secretary to read the following message received from the Governor today:

Austin, Texas,
April 30, 1951.

To the Members of the Fifty-second Legislature:

I am returning to you herewith House Bill No. 319 which I have this day vetoed because same is contrary to Section 56 of Article III, Constitution of the State of Texas.

I have referred this proposed legislation to the Attorney General of

Texas and in an opinion dated April 24, 1951, he has stated that House Bill No. 319 does contravene above section of the Constitution of Texas.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

The following message, received from the Governor today, was read and was referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 30, 1951.

To the Senate of the Fifty-second Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment:

To be Branch Pilot for the Galveston Bar and Houston Ship Channel for term to expire January 18, 1953:

J. E. McNary of Harris County.

Respectfully submitted,

ALLAN SHIVERS,
Governor of Texas.

House Concurrent Resolution 76 on Second Reading

Senator Wagonseller asked unanimous consent to suspend the regular order of business and that H. C. R. No. 76 be laid out for consideration at this time.

There was no objection offered.

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 76, Requesting the return of House Bills Nos. 74, 387, and 679 from the Governor's office.

The resolution was read second time and was adopted.

Request of House Granted

On motion of Senator Lane and by unanimous consent, the request of the House for a duplicate engrossed copy of S. B. No. 300, pursuant to the provisions of H. S. R. No. 202, was granted.

House Bill 669 Re-referred

Senator Nokes asked unanimous consent that H. B. No. 669 be withdrawn from the Committee on State Affairs and re-referred to the Committee on Agriculture.

There was no objection offered.

Record of Vote

Senator Vick asked to be recorded as voting "yea" on the above motion to re-refer.

Senate Bill 240 on Second Reading

On motion of Senator Hazlewood, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 240, A bill to be entitled "An Act amending the Motor Fuel Tax Law, the same being Article XVII of Chapter 184, Acts Forty-seventh Legislature, Regular Session, 1941, as amended, by adding a new section thereto to be known as Section 13½, so as to provide that licensed retail dealers in motor fuel shall receive a refund of two per cent (2%) of State taxes imposed on motor fuel sold by them to cover losses from taxes paid on shrinkage, evaporation and other losses and expenses incurred in collecting the tax for the State; to provide for the licensing of retail dealers of motor fuel; to provide a method of computation and payment of such refund and making an appropriation; containing a savings clause, and providing for an emergency."

The bill was read second time and passed to engrossment.

Motion To Place Senate Bill 240 on Third Reading

Senator Hazlewood moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 240 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving four-fifths vote of the members present):

Yeas—19

| | |
|-------------------|-------------|
| Ashley | Lock |
| Bell | McDonald |
| Bullock | Moffett |
| Carter | Nokes |
| Corbin | Parkhouse |
| Fuller | Phillips |
| Hardeman | Russell |
| Hazlewood | Vick |
| Kelley of Hidalgo | Wagonseller |
| Lane | |

Nays—9

| | |
|------------------|---------|
| Aikin | Martin |
| Bracewell | Strauss |
| Carney | Tynan |
| Hudson | Weinert |
| Kelly of Tarrant | |

Absent

| | |
|--------|---------|
| Colson | Shofner |
| Moore | |

Presentation of Guests

Senator Wagonseller presented as guests of the Senate today, Mr. and Mrs. F. M. Perry, newspaper publisher, of Nocona, Texas.

The guests were welcomed to the Senate and extended the privileges of the floor for today.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S. B. No. 372, A bill to be entitled "An Act to amend Article 691, Title 20, Chapter 7, Revised Civil Statutes of Texas, 1925; providing that the Board for Texas State Hospitals and Special Schools is authorized to employ a superintendent for each institution under its control and management; providing for the qualifications required of each superintendent; providing that the superintendent of each institution under the control and management of the Board is an employee of the Board and may be removed at the Board's discretion; repealing all laws in conflict; and declaring an emergency."

S. B. No. 320, A bill to be entitled "An Act to amend Article 6228d, Title 109, Revised Civil Statutes of Texas, being House Bill No. 778, Chapter 588, page 1174, General Laws enacted by the Fifty-first Legislature at its Regular Session in 1949; providing that members of any retirement, disability and death compensation fund established by any county shall have the right to designate a beneficiary to whom his contribution to such fund, with interest if any thereon, shall be paid in event of death of the member before retirement, etc., and declaring an emergency."

S. B. No. 299, A bill to be entitled "An Act validating all revenue bonds

issued by cities and towns of five thousand inhabitants, or less, for the purpose of acquiring an electric light and power system; and declaring an emergency."

S. B. No. 302, A bill to be entitled "An Act to amend Article 2350, Revised Civil Statutes of Texas, 1925, as amended, by adding a section thereto to be known as Section 1b, providing for the payment of traveling expenses of members of the Commissioners Courts in certain counties; repealing all laws in conflict therewith to the extent of the conflict and declaring an emergency."

S. C. R. No. 17, Granting R. E. Garber permission to sue the State.

S. C. R. No. 21, Authorizing the State Youth Development Council to execute and deliver to the State Highway Commission of Texas a Right-of-Way Easement to 6.202 acres of land, being a part of the property known as the Gatesville State School for Boys at Gatesville, Texas, for the purpose of constructing and maintaining Farm-to-Market Highway No. 929 in Coryell County, Texas.

S. B. No. 12, A bill to be entitled "An Act to appropriate to the Texas Prison System an amount equal to the unencumbered, unexpended balance which remained on March 6, 1951, in Items I, II, III, IV, and V of Senate Bill No. 3, Acts Fifty-first Legislature, Regular Session, 1949, Chapter 22, to be expended for the purposes and in accordance with all provisions of said Senate Bill No. 3; declaring the legislative intention that this appropriation will cover expenses incurred subsequent to March 6, 1951; authorizing reimbursement of local funds expended in the interim between March 6, and the effective date of this Act; providing severability; and declaring an emergency."

H. C. R. No. 74, Authorizing Enrolling Clerk of the House to make certain corrections in H. B. No. 11.

H. B. No. 63, A bill to be entitled "An Act approving and adopting the Canadian River Compact; appointing the State Board of Water Engineers to administer the provisions of the Compact; and declaring an emergency."

H. B. No. 107, A bill to be entitled "An Act amending Article 1302, Chap-

ter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, as amended, by adding thereto a new subdivision providing for the creation of private corporations to furnish the agent upon whom process may be served, to act as agent for receipt of communications and notices, to establish and maintain registered offices for corporations and other organizations, domestic or foreign, and for individuals, and for the performance of any lawful act in connection therewith; providing that no such corporation shall as agent carry on the business of another; and declaring an emergency."

S. B. No. 380, A bill to be entitled "An Act to permit any county containing a population of not less than seven thousand eight hundred and thirty-five (7,835) nor more than seven thousand eight hundred and fifty (7,850) according to the last preceding Federal census, or any future Federal census, to adopt by a majority vote of qualified voters of such county a county unit system to the extent provided in this Act; making provisions for the formation of a county-wide school district therein; making provision for holding election, etc.; and declaring an emergency."

H. C. R. No. 73, Suspending Joint Rules so that H. B. No. 158 and H. B. No. 726 may be considered at any time.

S. B. No. 307, A bill to be entitled "An Act to provide that the Commissioner of the General Land Office, on behalf of the State of Texas or any fund belonging thereto, is authorized to execute agreements that provide for the operation of areas as a unit for the exploration, development and production of oil and gas, or either of them, and to commit to such agreements the royalty interests in oil and gas, or either of them, reserved to the State or any fund thereof by law, in any patent, in any contract of sale, or under the terms of any oil, etc.; and declaring an emergency."

S. B. No. 199, A bill to be entitled "An Act allowing additional compensation for deputy sheriffs; providing that this Act shall be cumulative of other laws pertaining to such compensation; providing that this Act shall be severable; and declaring an emergency."

S. B. No. 196, A bill to be entitled "An Act amending Article 1314 of

the Revised Civil Statutes of Texas, 1925, relating to amending charters of private corporations so as to authorize amendments changing the original purpose of a corporation by a vote of eighty (80) per cent of the outstanding voting stock at a meeting called for that purpose; providing a savings clause; repealing all laws or parts of laws in conflict with this Act; and declaring an emergency."

S. B. No. 6, A bill to be entitled "An Act amending Article 7094, Revised Civil Statutes of Texas of 1925, as amended, and declaring an emergency."

S. B. No. 344, A bill to be entitled "An Act to amend Subsection (19) of Section 1 and paragraph (b) of Subsection 2 of Section 5 of Senate Bill 47, Chapter 470, Acts of the Forty-fifth Legislature, Regular Session, 1937, as amended by House Bill 1016, Chapter 376, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended by Senate Bill 333, Chapter 149, Acts of the Fifty-first Legislature, Regular Session, 1949, codified as Article 2922-1, Section 1 (19) and Article 2922-1, Section 5, Subsection 2, paragraph (b) of Vernon's Texas Civil Statutes, regulating retirement compensation under the Teacher Retirement System of Texas; and further to amend Subsection R of Section 1 and Subsection 2 of Subsection B of Section 5 of H. B. 168, Chapter 352, Acts of the 50th Legislature, Regular Session, 1947, as amended by Chapter 197, Acts of the 51st Legislature, Regular Session, 1949, codified as Article 6228a of Title 109, Section 1R and Section 5, Subsection B, Subsection 2, Vernon's Annotated Civil Statutes of Texas, regulating retirement compensation under the Employees Retirement System of Texas; providing for retirement of members of either system upon accumulation of twenty (20) years of joint creditable service between the two systems upon reaching the age of sixty (60) years; and declaring an emergency."

S. B. No. 275, A bill to be entitled "An Act authorizing corporations organized or admitted to do business in Texas for the purpose of prospecting, exploring, mining or drilling for oil or for gas or other minerals, to own and operate equipment for refining and processing such minerals; and authorizing such of said corporations as engage in the production of

oil or gas to adopt the provisions of Chapter 15 of Title 32, Revised Civil Statutes, 1925, as amended."

S. B. No. 8, A bill to be entitled "An Act amending Senate Bill No. 135, Acts of the Regular Session of the Forty-sixth Legislature, (Article 5068-1 of Vernon's Texas Statutes), by adding a new section providing that companies operating under the provisions of said Act may under certain conditions purchase reinsurance from similar companies or from other companies licensed to write life, health and accident insurance in Texas; limiting the amount that may be paid for such reinsurance; providing for the approval of such contracts or agreements by the Board of Insurance Commissioners of Texas; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

S. B. No. 105, A bill to be entitled "An Act validating, ratifying, confirming and approving certain contracts, scrip warrants, and time warrants authorized by counties or cities since the approval by the Governor of Texas of Chapter 173, Acts 50th Legislature, 1947, upon certain conditions; validating scrip warrants and time warrants issued in payment of work done and paid for by the day; providing that this Act shall not apply to or validate, ratify or confirm any contract, scrip warrant or time warrant executed or issued by any county with a population in excess of three hundred thousand (300,000) according to the last preceding Federal census, or any contract, scrip warrant, or time warrant, the validity of which is now involved in litigation; and declaring an emergency."

S. B. No. 183, A bill to be entitled "An Act amending Section 69, Article VII of Senate Bill 172, Chapter 421, Acts of the Fiftieth Legislature, Regular Session, 1947, being the Uniform Act Regulating Traffic on Highways, so as to require that certain vehicles be equipped with signal lamps or mechanical signal devices; requiring the giving of stop or turn signals by a signal lamp or lamps or mechanical signal devices approved by the Texas Department of Public Safety in the operation of certain motor vehicles or motor vehicle combinations under certain conditions; and declaring an emergency."

S. B. No. 83, A bill to be entitled "An Act amending Section 3 of Article II of House Bill 20, Chapter 173, Acts of the Forty-seventh Legislature, Regular Session, 1941, as amended, by adding thereto a new subsection to be known as Subsection 4a providing that operators of certain commercial motor vehicles shall not be required to obtain commercial operator's licenses; and declaring an emergency."

S. B. No. 125, A bill to be entitled "An Act amending Article 8274, Revised Civil Statutes of Texas, 1925, same being Acts 1866, pages 14, 15; General Laws, Volume 5, page 932; Acts 1879, page 99; General Laws, Volume 8, page 1399, relating to the rate of pilotage, which may be fixed under Articles 8267 and 8269, on any class of vessels in any port of this State, for each foot of water, which the vessel at the time of piloting draws, and declaring an emergency."

S. B. No. 122, A bill to be entitled "An Act amending Title 82 of the Revised Civil Statutes of Texas, 1925, as amended, by adding a new article thereto to be known as Article 5139a, providing for county juvenile boards in certain counties; providing for compensation; providing for severability; providing that this Act shall be cumulative of existing law; and declaring an emergency."

S. B. No. 9, A bill to be entitled "An Act amending Article 7335a of the Revised Civil Statutes of Texas, 1925, by adding a new Article to be known as Article 7335b, allowing Cities and Towns of this State to enter into contracts with an Attorney of this State for the collection of delinquent taxes, and to receive the same compensation as now allowed attorneys under contract for such purposes with the State and County; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency."

H. B. No. 124, A bill to be entitled "An Act regulating fishing in the waters of the Laguna Madre lying within Cameron County, Texas; etc.; and declaring an emergency."

H. B. No. 158, A bill to be entitled "An Act making an emergency appropriation to the Texas Board of Chiropractic Examiners out of its own fund, designated as Chiropractic Fund 140, for operating expenses for

the year from April 27, 1951, to August 31, 1951, both dates inclusive; provided for its expenditures under the general provisions of House Bill No. 721, Regular Session, 51st Legislature; and declaring an emergency."

H. B. No. 196, A bill to be entitled "An Act amending Section 4 of Senate Bill No. 44, Acts of the Forty-eighth Legislature, 1943, Chapter 204, page 313, as amended by House Bill No. 93, Acts of the Fifty-first Legislature, 1949, Chapter 368, page 702, by providing that in counties having only one (1) district court and having a juvenile board; etc.; and declaring an emergency."

H. B. No. 201, A bill to be entitled "An Act amending House Bill 77, Chapter 467, Acts of the Forty-fourth Legislature, Second Called Session, 1935, as amended, being the Texas Liquor Control Act codified as Articles 666 and 667 of the Penal Code of the State of Texas, by amending Section 15 of Article I of said article so as to authorize holders of Wine Only Package Store Permits to purchase, sell, store and transfer ale under the same circumstances that such holders are now authorized to purchase, sell, store and transfer wine and vinous liquors; and declaring an emergency."

H. B. No. 220, A bill to be entitled "An Act to amend Sections 5 and 12, Acts 1937, 45th Legislature, page 893, Chapter 436, as amended by Acts 1939, 46th Legislature, page 433, H. B. 419, prescribing inspection fees and declaring an emergency."

H. B. No. 227, A bill to be entitled "An Act amending House Bill No. 312, Chapter 351, Acts of the Forty-ninth Legislature, Regular Session, 1945, relating to the assessment and collection of taxes in municipalities and districts, amending Sections 1 and 2 thereof so that any incorporated city, town or village, independent school district, drainage district, water control and improvement district, water improvement district, navigation district, road district, or any other municipality or district, a majority of whose territory is located within the boundaries of another municipality or district, may avail itself of the services of the Tax Assessor and Collector and Board of Equalization of such other municipality or district in which it is located, etc.; and declaring an emergency."

H. B. No. 356, A bill to be entitled "An Act to amend Section 11, Chapter 88, Acts 1929, Forty-first Legislature, Second Called Session, providing for fees of Tax Assessor-Collectors for issuing license receipts and license plates; and providing that the Tax Assessor-Collector shall pay the entire expense of issuance of such license receipts and license plates and the cost of postage used in mailing same to applicants; also providing a savings clause, repealing all laws in conflict herewith, and declaring an emergency."

H. B. No. 358, A bill to be entitled "An Act to amend Section 13, Chapter 88, Second Called Session, Acts of the Forty-first Legislature, 1929, as amended by Section 1, Chapter 178, Acts of the Forty-third Legislature, 1933, as amended by Section 1, Chapter 51, Acts of the Forty-eighth Legislature, 1943, as amended by Section 1, Chapter 22, Acts of the Forty-ninth Legislature, 1945, as amended by Section 1, Chapter 194, Acts of the Fiftieth Legislature, 1947, authorizing the State Highway Department to issue plates or a single plate of metal or other material, symbols, tabs, or other devices which when attached to a vehicle shall be deemed to be the legal registration insignia for the registration year for which issued; providing a savings clause; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 360, A bill to be entitled "An Act to amend Section 12a, Chapter 88, Acts 1929, Forty-first Legislature, providing for fees derived from the issuance of duplicate license receipts to be retained by the office issuing same as a fee of office, also providing a savings clause, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 236, A bill to be entitled "An Act amending Article 7298 of the Revised Civil Statutes of Texas, 1925, as amended, so as to provide that no delinquent taxpayer may plead or rely on any Statute of Limitation by way of defense against the payment of taxes due the State, or any county, city, town, Navigation District, Drainage District, Road District, Levee Improvement District, Reclamation District, Irrigation District, Water Improvement District, Water Control and Improvement District, Water Control and Preser-

vation District, Fresh Water Supply District, School District or other taxing authority; and declaring an emergency."

H. B. No. 384. A bill to be entitled "An Act amending Article 4591, Revised Civil Statutes of Texas, 1925, as amended (Acts 1893, page 4, as amended by Acts 1911, page 52, and Acts 1921, page 99, and as further amended by Acts of the Forty-second Legislature, 1931, Chapter 8, paragraph 1, page 9) by removing from the enumeration of legal holidays the phrase 'and all days appointed by the President of the United States or by the Governor, as days of fasting and thanksgiving' and adding to the enumeration the phrase 'the last Thursday in November,' and declaring an emergency."

Senate Bill 79 on Second Reading

On motion of Senator Bell and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 79, A bill to be entitled "An Act providing for and fixing the salaries of the Justices of the Supreme Court, the Judges and the Commissioners of the Court of Criminal Appeals, the Justices of the Courts of Civil Appeals, and the Judges of the District Courts and of the Criminal District Courts of the State of Texas; repealing House Bill No. 207, Chapter 328, Page 614, Acts, Fifty-first Legislature, and all laws and parts of laws in conflict with this Act; providing a saving clause; and declaring an emergency."

The bill was read second time.

Senator Bell offered the following committee amendment to the bill:

Amend S. B. No. 79, Sec. 1 (a) by changing the words and figures "Eighteen Thousand Dollars (\$18,000)" to words and figures "Fifteen Thousand Dollars (\$15,000)."

(b) By changing the words and figures "Fourteen Thousand Dollars (\$14,000)" to the words and figures "Twelve Thousand Dollars (\$12,000)."

(c) By changing the words and figures "Twelve Thousand Dollars (\$12,000)" to the words and figures "Ten Thousand Dollars (\$10,000)."

Senator Hardeman offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to S. B. No. 79, paragraph (c) by striking out the following:

(c) By changing the words and figures "Twelve Thousand Dollars (\$12,000)" to the words and figures "Ten Thousand Dollars (\$10,000)" and substituting the following:

(c) By changing the words and figures "Twelve Thousand Dollars (\$12,000)" to the words and figures "Nine Thousand Dollars (\$9,000)."

**HARDEMAN
ASHLEY**

The amendment to the committee amendment was adopted.

Senator Hardeman offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to S. B. No. 79, Section 1, by striking out the words and figures in paragraph (b) lines 62 and 63 as follows: "Twelve Thousand Dollars (\$12,000)" and inserting in lieu the following: "Ten Thousand Dollars (\$10,000)."

Senator Bell moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—21

| | |
|-------------------|-----------|
| Aikin | McDonald |
| Bell | Moore |
| Bullock | Nokes |
| Corbin | Parkhouse |
| Fuller | Phillips |
| Hazlewood | Russell |
| Hudson | Shofner |
| Kelley of Hidalgo | Tynan |
| Kelly of Tarrant | Vick |
| Lane | Weinert |
| Lock | |

Nays—8

| | |
|-----------|-------------|
| Ashley | Hardeman |
| Bracewell | Martin |
| Carney | Strauss |
| Carter | Wagonseller |

Absent

| | |
|--------|---------|
| Colson | Moffett |
|--------|---------|

Question — Shall the committee amendment, as amended, be adopted?

**House Bill 490 Ordered
Not Printed**

On motion of Senator Kelly of Tarrant, and by unanimous consent, it was ordered that H. B. No. 490 be not printed.

Recess

On motion of Senator Aikin, the Senate at 12:15 o'clock p. m. took recess until 2:30 o'clock p. m. today.

After Recess

The President called the Senate to order at 2:30 o'clock p. m.

Senate Bill 79 on Second Reading

The Senate resumed consideration of pending business, same being S. B. No. 79 on its second reading and passage to engrossment, with a committee amendment by Senator Bell which has been amended, as pending business.

Question — Shall the committee amendment, as amended, be adopted?

Senator Hardeman offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to S. B. No. 79, Section 1, by striking out the words and figures in paragraph (a), line 59, "Fifteen Thousand Dollars (\$15,000)" and substituting the following: "Twelve Thousand Dollars (\$12,000)."

Senator Bell moved to table the amendment.

The motion to table prevailed by the following vote:

Yeas—19

| | |
|-------------------|-----------|
| Aikin | Lock |
| Bell | McDonald |
| Bracewell | Nokes |
| Carney | Parkhouse |
| Corbin | Phillips |
| Fuller | Russell |
| Hudson | Shofner |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Weinert |
| Lane | |

Nays—6

| | |
|---------|----------|
| Ashley | Hardeman |
| Bullock | Martin |
| Carter | Strauss |

Absent

| | |
|-----------|-------------|
| Colson | Moore |
| Hazlewood | Tynan |
| Moffett | Wagonseller |

The committee amendment, as amended, was adopted.

On motion of Senator Bell, and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 79 on Third Reading

Senator Bell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 79 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

| | |
|-------------------|-----------|
| Aikin | Lock |
| Ashley | McDonald |
| Bell | Moore |
| Bullock | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Russell |
| Corbin | Shofner |
| Fuller | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Weinert |
| Lane | |

Nays—3

| | |
|-----------|--------|
| Bracewell | Martin |
| Hardeman | |

Absent

| | |
|-----------|-------------|
| Hazlewood | Wagonseller |
| Moffett | |

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Votes

Senators Hardeman, Strauss, Bullock and Martin asked to be recorded as voting "nay" on the final passage of S. B. No. 79.

Reports of Standing Committees

By unanimous consent the following committee reports were submitted at this time:

Senator Phillips submitted the following reports:

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 437, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 395, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. C. R. No. 47, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 298, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 546, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred H. B. No. 174, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PHILLIPS, Chairman

Senator Aikin submitted the following reports:

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 442, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Education, to whom was referred S. B. No. 443, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman

Senate Bill 273 on Second Reading

Senator Vick asked unanimous consent to suspend the regular order of business and that S. B. No. 273 be laid out for consideration at this time.

There was objection.

Senator Vick then moved to suspend the regular order of business and that S. B. No. 273 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—23

| | |
|-----------|-------------------|
| Aikin | Colson |
| Ashley | Fuller |
| Bell | Hardeman |
| Bracewell | Hudson |
| Carney | Kelley of Hidalgo |
| Carter | Lane |

| | |
|----------|---------|
| Lock | Shofner |
| Martin | Strauss |
| McDonald | Tynan |
| Nokes | Vick |
| Phillips | Weinert |
| Russell | |

Nays—4

| | |
|------------------|-----------|
| Bullock | Moore |
| Kelly of Tarrant | Parkhouse |

Absent

| | |
|-----------|-------------|
| Corbin | Moffett |
| Hazlewood | Wagonseller |

The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 273, A bill to be entitled "An Act to amend Article 41a, Revised Civil Statutes of Texas, also known as Chapter 315, page 517, Acts of the 49th Legislature, providing that the number of members on the Board of Public Accountancy be raised from five (5) to nine (9) members, providing for the appointment of members of said board, and prescribing their qualifications, powers and duties in regulating the practice of Public Accountancy in Texas; etc.; and declaring an emergency."

The bill was read second time.

Senator Vick offered the following committee amendment to the bill:

Amend Senate Bill No. 273 by striking out all below the enacting clause and substituting in lieu thereof the following:

Section 1. Amend Section 4 of Senate Bill 176, Chapter 315, page 517, Acts of the 49th Legislature, by striking out all of said Section 4, and substituting in lieu thereof the following:

"Sec. 4. The Texas State Board of Public Accountancy shall consist of nine members, each of whom shall be a citizen of the United States and a resident of this State. Members of the Board and their successors shall be appointed by the Governor, with the advice and consent of the Senate and shall be accountants in public practice, five of whom shall hold certified public accountant certificates issued under the laws of this State and four shall be public accountants in public practice who hold permits issued under the laws of this State. Members of the Board shall hold office for terms of two years, or until

their successors are appointed and have qualified. Members of the present Board shall continue in office until their respective terms have expired, at which time the Governor shall appoint their successors. After the effective date of this Act the Governor shall appoint four public accountants as above set out as members of said Board in the following manner: Two who shall hold office for one year; and two who shall hold office for two years. Thereafter, such Public Accountant appointments shall be made by the Governor each two years as their terms expire, and such appointments each two years are to be made at the time the Governor appoints successors to the Certified Public Accountants whose terms have expired. Vacancies occurring during a term shall be filled by appointments for the unexpired term. The Governor shall remove from the Board any member whose certificate or permit to practice has been void, revoked or suspended."

Sec. 2. Amend Section 5 of Senate Bill 176, Chapter 315, page 517, Acts of the 49th Legislature, by striking out all of said Section 5 and substituting in lieu thereof the following:

"Sec. 5. The Board shall administer the provisions of this Act. The Board shall formally elect a chairman and a secretary-treasurer from its members and may adopt such rules as it deems necessary for the orderly conduct of its affairs. The Board may promulgate, and may amend from time to time, rules of professional conduct appropriate to establish and maintain a high standard of integrity in the profession of public accountancy, after notice to all holders of valid permits to practice public accountancy in this State. Such notice shall set forth the proposed rules of professional conduct or amendments and the time when same shall be voted on by public accountants holding valid permits under this Act. No such rule or amendment shall be operative until approved by a majority of those voting at such election. The voting shall be by mail and under such reasonable rules and regulations as the Board may prescribe. The Board shall declare the results of such election and proclaim the effective date of such rules of professional conduct, or amendments, and adopt reasonable means of notifying all public accountants of the result of such election. A majority of the Board shall constitute a quo-

rum for the transaction of business. The Board shall keep a seal which shall be judicially noticed. The Board shall keep records of all proceedings and actions by and before the Board. The Board may employ such clerks as are necessary to assist it in the performance of its duties and in the keeping of its records. The members of the Board who are non-certified public accountants shall have all the authority, responsibility and duties of any other member of said Board except as to the giving of examinations to candidates seeking the certificates of Certified Public Accountant, and except as to all other matters relating to the issuance of certificates as Certified Public Accountants as provided for in Section 12 of the Public Accountancy Act of 1945. The Board members holding certificates as Certified Public Accountants shall have the sole authority, responsibility and duty of performing all acts relating to such examinations and the issuance of certificates as Certified Public Accountants."

Sec. 3. Amend Section 7 of Senate Bill 176, Chapter 315, page 517, Acts of the 49th Legislature, by striking out all of said Section 7, and substituting in lieu thereof the following:

"Sec. 7. All expenses incurred under this Act shall be paid from the fees collected by the Board under this Act, but none of said monies shall ever be expended, directly or indirectly, for expenses incurred in the grading of examination papers by applicants for the certificate of Certified Public Accountant, where such monies are to be paid to any person, persons, firms, or corporations, residing outside the limits of the State of Texas. No expenses incurred under this Act shall ever be a charge against the funds of the State of Texas. The Board shall, as of December 31, 1951, and annually thereafter, report to the Governor of the State of Texas the receipts and disbursements under this Act, for each calendar year."

Sec. 4. Amend Section 8 of Senate Bill 176, Chapter 315, page 517, Acts of the 49th Legislature, by striking out all of said Section 8, and substituting in lieu thereof the following:

"Sec. 8. No person shall engage in the practice of public accountancy in this State unless such person is the holder of a valid permit to prac-

tice public accountancy, issued by the Board."

Sec. 5. Amend Section 11 of Senate Bill 176, Chapter 315, page 517, Acts of the 49th Legislature, by striking out all of said Section 11, and substituting in lieu thereof the following:

"Sec. 11. All persons listed in subdivision (a) of this Section who are citizens of the United States, or have declared their intention of becoming citizens, who reside within the State or have a place for the regular transaction of business therein, and who are twenty-one (21) years of age or over, and of good moral character, may register with the Board as public accountants as provided in Section 10 of Acts, 1945, Forty-ninth Legislature, page 517, Chapter 315;

(a) Any individual who at the date of the enactment of this Act, may be an employee of any person engaged in the practice of public accountancy or may be employed in any governmental agency, provided all such persons meet any one of the three (3) following standards:

(1) Who is a graduate of a junior college, senior college or university and has completed thirty (30) or more semester hours or the equivalent thereof in the study of accounting, business law, economics and finance, of which at least twenty (20) semester hours or the equivalent thereof shall be in the study of accounting, and has been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters for two (2) years preceding the date of application; or

(3) Who is a graduate of a high school or has an equivalent education and has been in the employ of a person engaged in the practice of public accountancy, or shall have been employed as an accountant or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters, for at least four (4) years preceding the date of application.

Who is a graduate of a high school or has an equivalent education and has been in the employ of a person engaged in the practice of public accountancy, or shall have been em-

ployed as an accountant or auditor in work of a nonroutine accounting nature which continually requires independent thought and judgment on important accounting matters, for at least four (4) years preceding the date of application."

Sec. 6. Amend Section 15 of Senate Bill 176, Chapter 315, page 517, Acts of the 49th Legislature, by striking out all of said Section 15, and substituting in lieu thereof the following:

"Section 15. All examinations provided for under the Public Accountancy Act of 1945, as amended, shall be conducted by the Board. The examination shall take place as often as the Board deems necessary but not less frequently than once each year. The time and place of holding examinations shall be duly advertised for not less than three days in three daily newspapers published in the three most populous cities in Texas beginning not less than thirty days prior to the date of each examination. A candidate who fails shall have the right to any number of re-examinations. Any candidate, who, at the time of filing his application to take the examinations provided for under the Public Accountancy Act of 1945, as amended, has passed at least one subject under any prior Act, or who shall hereafter pass a satisfactory examination in one subject, shall have the right to be re-examined in the remaining subjects only, at subsequent examinations held by the Board, and, when he passes the remaining subjects, he shall then be considered to have passed the examinations.

The Board shall charge for the examinations (together with certificates to successful applicants provided for in the Public Accountancy Act of 1945, as amended) a fee of Twenty-five (\$25.00) Dollars which shall be payable by the applicant at the time of making the initial application. Should the applicant fail to pass all the required subjects at his first examination, then, if he has received credit for one subject or none, the re-examination fee shall be Fifteen (\$15.00) Dollars. If at the time of his application for re-examination he has credit for only two subjects, the re-examination fee shall be Ten (\$10.00) Dollars, while, if, at the time of his application for re-examination, he has credits for three subjects, the re-examination fee shall be Seven Dollars and Fifty (\$7.50) Cents. Any

person who has taken the examination under any prior Act shall be entitled to re-examination under this Act according to its terms and provisions. All fees provided for herein shall be paid to the Secretary-Treasurer of the Board. It is further provided that any applicant who has failed any such examination or examinations shall have a right to demand a copy, certified by the Board, of the questions and the answers thereto made by him upon any such examination, and the Board shall forthwith comply with such demand by delivering or mailing to such applicant a true copy of the questions and his answers thereto certified by the Board and for which the Board may charge such applicant a reasonable fee therefor."

Sec. 4. The fact that non-certified public accountants do not have representation on the Texas State Board of Public Accountancy, and the crowded condition of the calendar of both Houses of the Legislature, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and the same is hereby suspended and this Act shall take effect and be in force from and after its effective date and it is so enacted.

Senator Strauss offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 of S. B. No. 273 by striking out all of Section 5.

The amendment to the committee amendment was adopted by the following vote:

Yeas—17

| | |
|------------------|-------------|
| Ashley | Parkhouse |
| Bell | Phillips |
| Bracewell | Russell |
| Carter | Shofner |
| Colson | Strauss |
| Fuller | Tynan |
| Kelly of Tarrant | Wagonseller |
| Lock | Weinert |
| Moffett | |

Nays—12

| | |
|----------|----------|
| Aikin | Lane |
| Bullock | Martin |
| Carney | McDonald |
| Corbin | Moore |
| Hardeman | Nokes |
| Hudson | Vick |

Absent

Hazlewood Kelley of Hidalgo

Senator Vick offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to S. B. No. 273 by striking out all of Section 3 of said committee amendment.

The amendment to the committee amendment was adopted.

Senator Vick offered the following amendment to the committee amendment:

Amend Section 6 of Committee Amendment No. 1 to Senate Bill No. 273 by striking out the last sentence thereof, which begins "It is further provided that...." and ends "....a reasonable fee therefor.", and substitute in lieu thereof the following:

"It is further provided that any applicant who has failed any such examination or examinations shall have a right to demand a copy, certified by the Board, of the questions and the answers thereto made by him upon any such examination, with the grade clearly shown thereon, together with a copy of the official solutions to such questions, and the Board shall forthwith comply with such demand by delivering by registered mail to such applicant a true copy of the questions and his answers thereto certified by the Board, together with a copy of the official solutions to such questions, and for which the Board may charge such applicant a reasonable fee therefor, and such application by the candidate shall be made within six (6) months after said candidate receives his grade and not thereafter."

The amendment to the committee amendment was adopted.

Senator Vick offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to S. B. No. 273 by changing the number of the last Section of said committee amendment from "Sec. 4" to "Sec. 7.", the number "4" being a typographical error; "Sec. 7" is the true and correct number for the last section of committee amendment for Senate Bill No. 273.

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was adopted.

On motion of Senator Vick, and by unanimous consent the caption was amended to conform to the body of the bill, as amended.

The bill, as amended, was passed to engrossment.

Senate Bill 273 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 273 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lane | Weinert |

Nays—3

| | |
|---------|-------|
| Bullock | Nokes |
| Corbin | |

Absent

| | |
|-----------|-------|
| Hazlewood | Moore |
|-----------|-------|

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 404 on Second Reading

On motion of Senator Bracewell, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

S. B. No. 404, A bill to be entitled "An Act amending Sections 3, 5, 24 and 30 of House Bill 521, Chapter 100, Acts of the Regular Session of the Forty-fourth Legislature, page 255, as amended, known as The Securities Act, so as to add a new

subsection to Section 3 thereof and so as to add the words "or association" in subdivision (n), so as to amend Section 5 thereof to correspond with Section 3 thereof as hereby amended, so as to clarify the provisions of Section 24 thereof affecting the power of the Secretary of State to issue cease and desist orders in certain cases, and so as to amend Section 30 thereof so as also to provide that violation of a cease and desist order of the Secretary of State shall be punishable as therein provided; and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 404 on Third Reading

Senator Bracewell moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 404 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

| | |
|-------------------|-----------|
| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Moore |
| Carney | Nokes |
| Carter | Parkhouse |
| Colson | Phillips |
| Corbin | Russell |
| Fuller | Shofner |
| Hardeman | Strauss |
| Hudson | Tynan |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Weinert |
| Lane | |

Absent

| | |
|-----------|-------------|
| Hazlewood | Wagonseller |
|-----------|-------------|

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Senate Bill 418 on Second Reading

Senator Lock asked unanimous consent to suspend the regular order of business and that S. B. No. 418 be laid out for consideration at this time.

There was objection.

Senator Lock then moved to suspend the regular order of business and that S. B. No. 418 be laid out for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

| | |
|-------------------|-------------|
| Aikin | Lock |
| Ashley | McDonald |
| Bell | Moffett |
| Bracewell | Moore |
| Bullock | Nokes |
| Carney | Parkhouse |
| Colson | Phillips |
| Fuller | Russell |
| Hardeman | Shofner |
| Hazlewood | Strauss |
| Kelley of Hidalgo | Vick |
| Kelly of Tarrant | Wagonseller |
| Lane | Weinert |

Nays—5

| | |
|--------|--------|
| Carter | Martin |
| Corbin | Tynan |
| Hudson | |

The President laid before the Senate on its second reading and passage to engrossment the following bill:

S. B. No. 418, A bill to be entitled "An Act providing for the treatment of alcoholics in certain State Hospitals, prescribing the method of admission, detention and release of such persons, providing for the payment for such treatment by such persons, making the provisions of Chapter 152, Acts of the Regular Session of the 45th Legislature, 1937, (Art. 3196a, Vernon's Civil Statutes) applicable to such persons, providing that no person shall be denied admittance and treatment because of inability to pay therefor, providing a savings clause, and declaring an emergency."

The bill was read second time and passed to engrossment.

Senate Bill 418 on Third Reading

Senator Lock moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 418 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

| | |
|--------|-----------|
| Aikin | Bell |
| Ashley | Bracewell |

| | |
|-------------------|-------------|
| Bullock | Moffett |
| Carney | Moore |
| Colson | Nokes |
| Fuller | Parkhouse |
| Hardeman | Phillips |
| Hazlewood | Russell |
| Kelley of Hidalgo | Shofner |
| Kelly of Tarrant | Strauss |
| Lane | Vick |
| Lock | Wagonseller |
| McDonald | Weinert |

Nays—4

| | |
|--------|--------|
| Carter | Martin |
| Corbin | Tynan |

Absent

Hudson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Corbin asked to be recorded as voting "nay" on the final passage of S. B. No. 418.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 406, A bill to be entitled "An Act amending Article 432 of the Penal Code of Texas, as amended by the Acts of the 51st Legislature, 1949, Chapter 126, page 227, so as to provide that same shall not apply to persons holding offices or positions for two (2) years prior to the time an officer or board member related to them takes office; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

The House refused to concur in Senate amendments to House Bill No. 685 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

The House appointed the following conferees: Moore, Woodruff, Miller, Sherman, Dicker.

H. C. R. No. 81, Requesting the return of House Bill No. 58 from the Governor's Office for correction.

The House has concurred in Senate amendments to House Bill No. 329 by vote of 100 yeas, 0 nays, and 2 present not voting.

The House refused to concur in Senate amendments to House Bill No. 312 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House: Murphy, Miller, Heflin, Moore, Woodruff.

H. C. R. No. 63, Granting Mildred Milner and Charles Elbert Milner permission to sue the State of Texas or the State Highway Department.

H. C. R. No. 64, Granting E. T. Murphy of Sherman, Texas, permission to sue the State of Texas and/or the Highway Department of the State of Texas.

H. C. R. No. 66, Requesting the Governor to reorganize the present Texas State Agency for Surplus Property.

H. C. R. No. 69, Directing the Texas Legislative Council to study the tax structure of this State.

H. C. R. No. 83, Requesting the Governor to return H. B. No. 232 to the House for further consideration.

H. C. R. No. 82, Suspending the Joint Rules of the House and Senate so as to consider H. B. No. 190.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Concurrent Resolution 80

The President laid before the Senate on its first reading the following resolution:

H. C. R. No. 80, Suspending Joint Rules so that the House may consider S. B. No. 90 at any time.

The resolution was read.

On motion of Senator Aikin and by unanimous consent the resolution was considered immediately and was adopted.

House Concurrent Resolution 79

The President laid before the Senate on its first reading the following resolution:

H. C. R. No. 79, Suspending Joint Rules in order for the Appropriation Committee of the House and the House to consider H. B. No. 755.

The resolution was read.

On motion of Senator Hardeman and by unanimous consent the resolution was considered immediately and was adopted.

House Concurrent Resolution 78

The President laid before the Senate on its first reading the following resolution:

H. C. R. No. 78, Authorizing certain corrections in H. B. No. 207 which has been passed by both Houses.

The resolution was read.

On motion of Senator Parkhouse and by unanimous consent the resolution was considered immediately and was adopted.

Senate Bill 321 with House Amendments

Senator Fuller called S. B. No. 321 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Fuller moved that the Senate concur in the House amendments.

The motion prevailed.

Senate Bill 81 with House Amendments

Senator Parkhouse called S. B. No. 81 from the President's table for consideration of the House amendments to the bill.

The President laid the bill and House amendments before the Senate, and the House amendments were read.

Senator Parkhouse moved that the Senate do not concur in the House amendments, but that a conference committee be appointed to adjust the differences between the two Houses on the bill.

The motion prevailed.

House Bills and Resolutions on First Reading

The following bills and resolutions received from the House were read first time, and were referred to the committees indicated:

H. B. No. 502, to Committee on Judicial Districts.

H. B. No. 541, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 491, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 433, to Committee on Educational Affairs.

H. B. No. 568, to Committee on Oil and Gas and Conservation.

H. B. No. 474, to Committee on Counties and County Boundaries.

H. C. R. No. 52, to Committee on Civil Jurisprudence.

S. C. R. No. 52, to Committee on State Highways and Motor Traffic.

H. B. No. 760, to Committee on State Affairs.

H. J. R. No. 20, to Committee on Constitutional Amendments.

H. J. R. No. 23, to Committee on Constitutional Amendments.

H. B. No. 309, to Committee on State Affairs.

H. C. R. No. 44, to Committee on State Affairs.

H. C. R. No. 60, to Committee on State Affairs.

H. C. R. No. 48, to Committee on State Affairs.

H. C. R. No. 49, to Committee on State Affairs.

H. C. R. No. 50, to Committee on State Affairs.

H. C. R. No. 53, to Committee on Educational Affairs.

H. C. R. No. 58, to Committee on State Highways and Motor Traffic.

H. B. No. 745, to Committee on State Affairs.

H. B. No. 750, to Committee on State Affairs.

H. B. No. 756, to Committee on Game and Fish.

H. B. No. 768, to Committee on Game and Fish.

H. B. No. 769, to Committee on Game and Fish.

H. B. No. 773, to Committee on Game and Fish.

H. B. No. 728, to Committee on State Affairs.

H. B. No. 737, to Committee on Counties and County Boundaries.

H. B. No. 738, to Committee on Game and Fish.

H. B. No. 742, to Committee on Water Rights, Irrigation and Drainage.

H. B. No. 629, to Committee on State Affairs.

H. B. No. 670, to Committee on Educational Affairs.

H. B. No. 698, to Committee on Civil Jurisprudence.

H. B. No. 699, to Committee on Educational Affairs.

H. B. No. 703, to Committee on Educational Affairs.

H. B. No. 714, to Committee on Game and Fish.

H. B. No. 422, to Committee on State Affairs.

H. B. No. 449, to Committee on Civil Jurisprudence.

H. B. No. 486, to Committee on Counties and County Boundaries.

H. B. No. 403, to Committee on Criminal Jurisprudence.

H. B. No. 380, to Committee on State Affairs.

H. B. No. 280, to Committee on Criminal Jurisprudence.

H. B. No. 216, to Committee on State Affairs.

H. J. R. No. 37, to Committee on Constitutional Amendments.

H. B. No. 381, to Committee on State Affairs.

Bills and Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled bills and resolutions:

S. B. No. 406, A bill to be entitled "An Act amending Article 432 of the Penal Code of Texas, as amended by the Acts of the 51st Legislature, 1949, Chapter 126, page 227, so as to provide that same shall not apply to persons holding offices or positions for two (2) years prior to the time an officer or board member related to them takes office, repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

H. B. No. 11, A bill to be entitled "An Act to amend Section 6, Chapter 42, General Laws, Acts Second Called Session, Forty-first Legislature, as amended by Section 4, Chapter 71, General Laws, Acts Regular Session, Forty-seventh Legislature; repealing all laws and parts of laws in conflict herewith to the extent of such conflict only; declaring the provisions of this Act to be severable; and declaring an emergency."

H. B. No. 726, A bill to be entitled "An Act making an emergency appropriation to the State Board of Examiners on the Basic Sciences out of its own fund; and declaring an emergency."

H. C. R. No. 76, Requesting the return of House Bills Nos. 74, 387, and 679 from the Governor's office.

H. C. R. No. 65, Suspending the Joint Rules of the House and Senate in order to permit the House Appropriations Committee to consider and report favorably House Bill No. 190.

S. C. R. No. 35, Authorizing the transfer of certain property being located on the campus of Texas Technological College to the State Highway Commission.

House Concurrent Resolution 81

The President laid before the Senate on its first reading the following resolution:

H. C. R. No. 81, Requesting the return of House Bill No. 58 from the Governor's office for correction.

The resolution was read.

On motion of Senator Wagonseller, and by unanimous consent, the resolution was considered immediately and was adopted.

Conference Committee Report on Senate Bill 221

Senator Moore submitted the following Conference Committee report on S. B. No. 221:

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, Lieutenant-Governor and President of the Senate;

Hon. Reuben E. Senterfitt, Speaker of the House of Representatives.

Gentlemen: We your Conference Committee, appointed to adjust the differences on S. B. No. 221, have had the same under consideration, and beg leave to report that it be passed in the form and the text attached hereto.

MOORE
WAGONSELLER
BELL
KELLEY of Hidalgo
CORBIN

On the part of the Senate.

HEFLIN
PRESNAL
SWINDELL
McDANIEL
ROGERS of Childress

On the part of the House.

S. B. No. 221, A Bill to be entitled "An Act amending Section 7 of chapter 81 of the Acts of the Regular Session of the 51st Legislature, known as Article 4764c; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. That Section 7 of Chapter 81 of the Acts of the Regular Session of the 51st Legislature, known as Article 4764c, be amended so that as amended the same shall hereafter read as follows:

"Section 7. No policy of credit insurance shall hereafter be solicited, written or delivered in this State, except on substantial compliance with the following requirements:

"A. The insurer shall receive from the borrower a written application for such insurance, signed by him, in such form as may be approved by the Board. The form of each such application shall be filed with and approved by the Board at such time as the Board shall direct.

"B. Credit life insurance policies shall insure against the contingency of death from any cause whatsoever and shall be incontestable from date of issue; except that with approval of the Board, the policy may provide for reduced benefits in the event of suicide by the insured. The terms of such life insurance policies shall not extend more than one month beyond the term of the loan, or one year, whichever is greater.

"C. Credit health and accident policies shall insure against the contingency of disability from sickness or accident of every kind and character whatsoever, originating and occurring within the term of the policy; except that with approval of the Board, the policy may provide for reduced benefits in the event of pregnancy or self-inflicted injury. The terms of such health and accident policies shall not extend more than one month beyond the term of the loan. The policy of health and accident insurance may provide an amount of insurance in such proportion to the unpaid balance of the loan as shall be approved by the Board.

"D. The policies of health and accident and of life insurance shall be non-cancellable by the insurer during the term. Life insurance policies shall be non-cancellable by the insured and the premium shall be considered fully earned when paid. Health and accident insurance policies may be cancelled by the insured upon payment of the loan, and the unearned portion of the premium, calculated on such basis as the Board shall approve, shall be refunded to the insured.

"E. The forms of credit insurance policies shall be filed with and approved by the Board before such policies may be issued or delivered. The premium rates to be charged for credit insurance shall be filed and approved by the Board."

Sec. 2. The fact that the Board of Insurance Commissioners as a part of its regulatory duties should prescribe the form of applications for credit insurance from time to time as the exigencies of each submitted application may suggest, in order to best protect and least inconvenience the public and those operating under said Act, together with the importance of this legislation and the crowded condition of the calendar, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each

House be and the same is hereby suspended; and this Act shall be effective immediately from and after its passage, and it is so enacted.

The report was read and was adopted.

House Concurrent Resolution 83

The President laid before the Senate on its first reading the following resolution:

H. C. R. No. 83, Requesting the Governor to return H. B. No. 232 to the House for further consideration.

The resolution was read.

On motion of Senator Kelly of Tarrant, and by unanimous consent, the resolution was considered immediately and was adopted.

House Concurrent Resolution 82

The President laid before the Senate on its first reading the following resolution:

H. C. R. No. 82, Suspending the Joint Rules of the House and Senate so as to consider H. B. 190.

The resolution was read.

On motion of Senator Bell, and by unanimous consent, the resolution was considered immediately and was adopted.

Senate Bill 444 on First Reading

On motion of Senator Hazlewood, and by unanimous consent, the following local bill was introduced, read first time and referred to the committee indicated:

By Senator Hazlewood:

S. B. No. 444, A bill to be entitled "An Act authorizing the appointment of a stenographer for the District Attorney of the 100th Judicial District of Texas; providing for furnishing office space and office supplies to the District Attorney of said district; providing that this act shall be cumulative of existing laws upon the same subject matter except that the provisions of this act shall control in event of conflict; and declaring an emergency."

To Committee on Judicial Districts.

Reports of Standing Committees

By unanimous consent the following

committee reports were submitted at this time:

Senator Bell submitted the following report:

Austin, Texas,
April 26, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred H. B. No. 502, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Senator Kelley of Hidalgo submitted the following report:

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Water Rights, Irrigation and Drainage, to whom was referred H. B. No. 541, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY of Hidalgo, Chairman.

Senator Bell submitted the following report:

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred S. B. No. 444, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BELL, Chairman.

Senator Hazlewood submitted the following report:

Austin, Texas,
April 30, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 479, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HAZLEWOOD, Chairman.

**Conference Committee on
House Bill 685**

On motion of Senator Bracewell and by unanimous consent, the request of the House for a Conference Committee on H. B. No. 685 was granted.

Accordingly, the President appointed the following as a Conference

Committee on the part of the Senate: Senators Parkhouse, Bracewell, Tynan, Kelly of Tarrant and Fuller.

Adjournment

On motion of Senator Weinert, the Senate at 4:45 o'clock p.m. adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of

Rentfro Banton Creager

Senator Kelley of Hidalgo offered the following resolution:

(Senate Concurrent Resolution 53)

Whereas, The State of Texas lost one of its most distinguished and outstanding citizens when death closed the illustrious career of Rentfro Banton Creager on October 28, 1950; and,

Whereas, In the death of this prominent Texan, the State has lost one of its greatest citizens; one whose counsel and support was always freely given to any public or civic movement for the benefit of the people of Texas; and,

Whereas, Rentfro Banton Creager was born in Waco, the son of Francis Asbury Creager and Katherine Rentfro Creager, on March 11, 1877; and upon graduation from the Brownsville Public Schools, he entered Southwestern University, where he received the degree of Bachelor of Science; he earned a Bachelor of Laws Degree from the University of Texas Law School in 1900 and in 1930 was honored with a Degree of Doctor of Laws from Southwestern University; and,

Whereas, Immediately upon his admittance to the Bar of Texas in 1900, Rentfro Banton Creager began the practice of law in Brownsville, and continued such practice in his home town until his death and specialized in International Law and Treaties and for many years maintained a branch office in Mexico City; and,

Whereas, Rentfro Banton Creager was President of the First National Bank at Brownsville, and had extensive business interests throughout Cameron County; and,

Whereas, Rentfro Banton Creager was extremely active in the affairs of the Republican Party of Texas for more than fifty years; he was the Republican nominee for Governor in 1916, and was elected Chairman of the Republican State Executive Committee in 1921; he served continuously as State Committeeman for the National Republican Executive Committee from 1923 until his death, and worked unceasingly to make Texas a two-party State, and enjoyed the respect and admiration of the leaders of the Democratic Party as well as his own Party; his political acumen and tireless energy was recognized by his associates, and as the Dean of the Republican National Executive Committee, he had the honor of calling the Committee to order and presiding at its organizational meeting in 1948; and,

Whereas, Rentfro Banton Creager was a courageous and fearless man, and never hesitated to espouse a cause, even though it was unpopular at the moment, and the influence of this prominent Texan will long be felt by those whose paths crossed his in the course of his useful life; and,

Whereas, It is the desire of the Senate, and the House of Representatives, to pay tribute to the useful and worthy life of Rentfro Banton Creager, and to acknowledge that his death is a severe loss to the entire State, and to extend sympathy to the surviving members of his family; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that we express our deepest regret for the loss of this great Texan, and that when the Senate and the House adjourn today, they do so in memory of Rentfro Banton Creager; and, be it further

Resolved, That a page be set aside in the Journal of each House for this Resolution; and that a copy of this Resolution be sent to each member of the family of the deceased.

KELLEY of Hidalgo

The resolution was read.

On motion of Senator Kelley of Hidalgo and by unanimous consent, the resolution was considered immediately and was adopted by a rising vote of the Senate.